

Message Text

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12

ACTION EUR-25

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FM AMCONSUL HAMILTON

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E.O. 11652: GDS

TAGS: CASC, BD.

SUBJ: BERMUDA'S LEGAL POSITION RE STREAKING

1. ON MARCH 22 BERMUDA POLICE APPREHENDED 5 MALE COLLEGE STUDENTS (4 DARTMOUTH, 1 BOSTON) FOUND STREAKING ON BERMUDA PUBLIC BEACH. STUDENTS APPEARED BEFORE MAGISTRATE FOR HEARING AT 2:00 P.M. ON MARCH 25 HAVING BEEN RELEASED ON OWN RECOGNIZANCE OVER WEEKEND.

2. ALL PLEADED GUILTY AND MAGISTRATE SENTENCED ALL TO 10 DAYS IN PRISON. CONGEN THEN VISITED (3 P.M.) BY SOME FRIENDS OF THE 5 WHO REQUESTED CONGEN INTERVENE ON THEIR BEHALF. THE FIRST TIME CONGEN AWARE OF INCIDENT. STUDENTS WERE ADVISED THAT SENTENCE COULD NOT BE CHANGED BUT THAT THEY HAD RIGHT TO APPEAL AND IF APPEAL GRANTED THEY COULD BE RELEASED ON BAIL. THEY WERE ADVISED SEEK LEGAL ADVICE

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AND LAWYERS LIST WAS PROVIDED. THEY DECLINED TO APPLY FOR APPEAL AND REQUEST FOR BAIL THROUGH ATTORNEY AND WERE TAKEN OFF TO PRISON AT 5:00 P.M. MARCH 25.

3. REALIZING THAT STRONG PROTEST OF SEVERITY OF SENTENCE

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BOUND TO ARISE CONGEN DISCUSSED SITUATION INFORMALLY WITH

DEPUTY GOVERNOR KINNEAR EARLY MORNING MARCH 26. KINNEAR AGREED CONSULT ATTORNEY GENERAL AND ADVISE. KINNEAR AFTER DISCUSSION WITH AG STATED AG RECOMMENDED APPEAL BE MADE. STUDENTS SO ADVISED. APPEAL WAS MADE AND GRANTED. ONE STUDENT RELEASED ON BAIL NIGHT OF MARCH 25 OTHERS MORNING MARCH 27.

4. BERMUDIAN COMMENT OVERWHELMINGLY IN SYMPATHY WITH STUDENTS AND AGAINST SEVERITY OF SENTENCE. HOWEVER GOVERNOR SIR EDWIN LEATHER CALLED CONGEN TO MAKE HIS POSITION KNOWN. LEATHER SAID THAT WHILE HE COULD NOT PERSONALLY INTERVENE IN THE COURTS HE HAD MADE HIS POSITION WHICH THOROUGHLY SUPPORTS THE SEVERE SENTENCE KNOWN TO THE CROWN COUNSEL AND THE ATTORNEY GENERAL. THE GOVERNOR ADDED THAT HE RESPECTED THE MAGISTRATE'S DECISION AND SUPPORTED THE STIFF SENTENCE.

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5. THE GOVERNOR OUTLINED HIS POSITION FOR US WITH THE HOPE WE WOULD MAKE IT KNOWN PUBLICLY AS FOLLOWS: (A) ALL CIVILIZED COUNTRIES HAD FOR THE PUBLIC GOOD LAWS AGAINST INDECENT EXPOSURE; (B) BERMUDA WITH ITS WARM CLIMATE AND MANY MILES OF BEACHES WAS EXCEEDINGLY VULNERABLE TO STREAKING AND THEREFORE HAD TO BE STERN; (C) IF VISITORS (WHITES) WERE ABLE TO STREAK WITH IMPUNITY IT MIGHT CAUSE BERMUDIANS TO DO LIKEWISE AND BERMUDA WITH ITS LARGE BLACK POPULATION COULD HAVE SERIOUS PROBLEMS WHICH COULD HAVE RACIAL IMPLICATIONS. HE ENDED EXPLAINING HIS POSITION BY STATING SINCE HE WAS RESPONSIBLE FOR INTERNAL SECURITY HE FELT HE MUST MAKE HIS POSITION KNOWN HAD HE HOPED WE WOULD SEE THAT IT WAS PASSED ON TO US AUTHORITIES.

6. ON MARCH 27 WE MET WITH MINISTER AND DIRECTOR OF TOURISM WHO PLAN TO ISSUE VIA THEIR CUSTOMS A NOTICE TO EACH ARRIVAL AS FOLLOWS: THE BERMUDA DEPARTMENT OF TOURISM NOTICE: FIVE YOUNG MEN WERE APPREHENDED BY THE BERMUDA POLICE FOR EXPOSURE OF PERSON (STREAKING) ON MARCH 22ND. THE BERMUDA GOVERNMENT CONSIDERS IT NECESSARY TO CAUTION ALL VISITORS TO THE ISLAND THAT STREAKING OR ANY OTHER UNSUITABLE BEHAVIOUR OF THIS KIND WILL BE SEVERELY DEALT WITH. LIMITED OFFICIAL USE

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7. BERMUDA EXPECTS OVER 6,000 STUDENTS DURING THE NEXT 3 WEEKS AND HOPES TO MINIMIZE FURTHER STREAKING INCIDENTS AND THE RESULTANT PUNITIVE MEASURES. MCCUE

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